

HOUSE BILL NO. 298

INTRODUCED BY CLARK, GOLIE, NOONAN

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO USE AVAILABLE MONEY FROM THE FUTURE FISHERIES IMPROVEMENT PROGRAM, THE BULL TROUT AND CUTTHROAT TROUT ENHANCEMENT PROGRAM, THE RIVER RESTORATION PROGRAM, OR OTHER DEPARTMENT FUNDS AVAILABLE FOR VOLUNTARY LEASES OR OTHER WATER AUGMENTATION MEASURES TO MATCH FUNDS FROM THE U.S. FISH AND WILDLIFE SERVICE STATE WILDLIFE GRANT PROGRAM OR OTHER AVAILABLE FEDERAL FUNDS IN ORDER TO ENTER INTO VOLUNTARY LEASES OR OTHER WATER AUGMENTATION MEASURES FOR EMERGENCY INSTREAM FLOWS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Emergency instream flows -- funding. (1) The legislature recognizes the propriety of establishing voluntary leases or other authorized water augmentation measures for instream flows so that mechanisms will be in place to maintain streamflows sufficient for fisheries and aquatic resources during emergency low-flow conditions.

(2) Funding for voluntary leases and other water augmentation measures authorized under subsection (1) may come from any uncommitted funds allocated to the state under the U.S. fish and wildlife service state wildlife grant program or other available federal funds, matched by the department with up to \$500,000 from the future fisheries improvement program provided for in 87-1-272, from the bull trout and cutthroat trout enhancement program provided for in 87-1-283, from the river restoration program provided for in 87-1-257, from a combination of funds from these programs, or from any other department funds available for voluntary leases or other water augmentation measures.

(3) All leasing or other authorized water augmentation measures for instream flow must comply with all requirements provided in Title 85, chapter 2, parts 3 and 4.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1].

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2 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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